

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
October 25, 2024
LAURA A. AUSTIN, CLERK
BY: s/A. Beeson
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

SAUNDERS FRANKLIN,)	
)	
Plaintiff,)	Case No. 7:23-cv-00480
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
C/O ANGNA et al.,)	By: Hon. Thomas T. Cullen
)	United States District Judge
Defendants.)	

Plaintiff Saunders Franklin, proceeding *pro se*, filed a civil-rights complaint under 42 U.S.C. § 1983. On September 19, 2024, Defendants jointly moved to dismiss Plaintiff's claims under Federal Rule of Civil Procedure 12(b)(6). (*See* Defs.' Mot. to Dismiss [ECF No. 43].) The next day, the court ordered Plaintiff to respond to Defendants' motion within 21 days and advised Plaintiff that his failure to respond could result in dismissal of this action. (*Roseboro* Notice [ECF No. 45].) Additionally, the court has previously admonished Saunders regarding his late filings, and warned him that failure to comply with the court's directives—including time limits—"may result in sanction[s] up to and including dismissal of this action." (Mem. Op. p. 2 n.2, Aug. 5, 2024 [ECF No. 39].)

More than 21 days have elapsed from the date of the Court's order, and Plaintiff has failed to respond in opposition to Defendants' motion to dismiss. Accordingly, the Court will dismiss this action without prejudice for failure to prosecute and to comply with the Court's order. *See* Fed. R. Civ. P. 41(b).

The Clerk is directed to forward a copy of this Memorandum Opinion and the accompanying Order to the parties.

ENTERED this 25th of October, 2024.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE